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*Couhig Partners, LLC*  
Robert E. Couhig, Jr.,  
Texas Bar No. 04877400  
Louisiana Bar Roll No 4439  
Donald C. Massey,  
Louisiana Bar Roll No. 14177  
Jonathan P. Lemann,  
Texas Bar No. 24054333  
Louisiana Bar Roll No. 26380  
Jeffrey T. Pastorek,  
Louisiana Bar Roll No. 33309  
1100 Poydras Street, Suite 1150  
New Orleans, LA 70163  
Telephone: (504) 588-128  
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**ATTORNEYS FOR PLAINTIFFS**

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## Exhibit 4

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DR. DEREK MELBY, and DANILO §  
POLICARPIO as individuals and on §  
behalf of all others similarly situated §

Plaintiffs, §

v. §

AMERICA'S MHT, INC., SCOTT §  
POSTLE, ASCENTUM CAPITAL, LLC, § L  
and CLIFF MCKENZIE §

Defendants. §

Civil Action No. 3:17-CV-155-L

*consolidated with*  
Civil Action Nos. 3:17-CV-732-L;  
3:17-CV-868-L; and 3:17-CV-963-

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SUPPLEMENTAL DECLARATION OF ROBERT E. COUHIG JR. IN SUPPORT OF  
APPLICATION FOR AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF  
EXPENSES

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I, Robert E. Couhig Jr., declare as follows:

1. I am a member of the firm of Couhig Partners, LLC. I am submitting this supplemental declaration in support of my firm's application for an award of attorney's fees in connection with services rendered in the above-entitled action and the reimbursement of expenses incurred by my firm in the course of this litigation.

2. The purpose of this supplemental is to update the time and expenses incurred by my firm through the Fairness Hearing of March 12, 2018 up to the present date.

3. We do not anticipate submitting further records or reimbursement applications at this time.

4. Through March 21, 2018, the total number of hours spent on this litigation by my firm subsequent to our last submission is 125 hours. The total lodestar amount for attorney

is \$73,530. A breakdown of the lodestar is as follows:

### HOURS

Inception through March 8, 2018

ATTORNEY*	*	HOURS	RATE	LODESTAR
Rob Couhig, Jr.	P	14.5	\$775.00	\$11,237.50
Cory Grant	A	5.0	\$390.00	\$1,950.00
Jonathan Lemann	P	38.6	\$550.00	\$21,230.00
Don Massey	P	35.6	\$725.00	\$25,810.00
Jeff Pastorek	P	31.3	\$425.00	\$13,302.50
<b>TOTAL:</b>		<b>125</b>		<b>\$73,530.00</b>

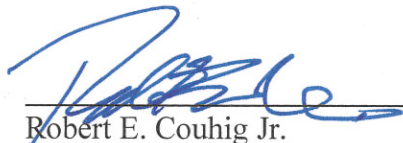
\*(P) = Partner

(A) = Associate

5. Subsequent to our last submission, my firm incurred a total of \$350.24 in unreimbursed expenses in connection with the prosecution of this litigation.

6. The expenses incurred pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from expense vouchers and check records and are an accurate record of the expenses incurred. See redacted billing records attached as Exhibit RC-B hereto.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21 day of March, 2018 at 1100 Poydras Street, Suite 3250, New Orleans, Louisiana 70163.

  
Robert E. Couhig Jr.

Date: March 21, 2018

Respectfully submitted,

/s/ Jonathan P. Lemann  
E. Leon Carter  
Texas Bar No. 03914300  
lcarter@carterscholer.com  
Joshua J. Bennett  
Texas Bar No. 24059444  
jbennett@carterscholer.com

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that on March 21, 2018, a true and correct copy of the declaration was served on all counsel of record through the Court's electronic filing system.

/s/ Jonathan P. Lemann  
Jonathan P. Lemann

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## Exhibit RC-B

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Invoice # 2353  
Date: 03/21/2018  
Due On: 04/20/2018

3250 Energy Centre, 1100 Poydras Street  
New Orleans, Louisiana 70163  
United States

Dr. Derek Melby

## 1713.001/Multi-party lawsuit against America's MHT, Inc., Ascentium Capital LLC, Univest Capital LLC, etc.

### Services

Date	Attorney	Description	Quantity	Rate	Total
03/04/2018	CG	Edits to and supplemental research for Motion for Approval and Motion for Fees	1.00	\$390.00	\$390.00
03/05/2018	CG	Final edits and modifications to Motion to Approve, Motion for Fees and Declarations; File same	4.00	\$390.00	\$1,560.00
03/09/2018	JP	Conferences with Couhig team and witnesses; Draft additional declarations, prepare and organize evidence; Draft memorandum related to conferences with objectors; other preparation for hearing	9.70	\$425.00	\$4,122.50
03/09/2018	JL	Work on hearing preparation. Confer with clients and work on declarations. Work on objector and other class member inquiries. Work on bar order.	6.90	\$550.00	\$3,795.00
03/09/2018	DM	Conferences CP re class rep declarations and additional submissions to Court; review multiple correspondence/ email exchanges re class rep declarations; assess same; draft revisions; coordinate hearing logistics; review multiple correspondence/ email exchanges re Madlav opt in; call to Dr. Madlav; draft memorandum; review correspondence/ email from attorney Allen and exchanges with AC counsel; review subsequent correspondence/ email from Dana Campbell; review multiple correspondence/ email exchanges re objectors and status of objectors; comprehensive review of materials re comprehensive listing of witnesses, travel, doctor/ gaurantor interactions; and related materials; multiple correspondence/ email to and from CP team re fairness hearing materials, objectors, opt outs, class rep decs, proof that settlement fair, reasonable and adequate, assess briefing; additional communications from objectors; draft memorandum re activity.	8.50	\$725.00	\$6,162.50



03/10/2018	JP	Review additional filings; Conferences with Couhig team and witnesses; Draft additional declarations, prepare and organize evidence; other preparation for hearing	5.70	\$425.00	\$2,422.50
03/10/2018	JL	Prepare for fairness hearing.	1.20	\$550.00	\$660.00
03/11/2018	JP	Conferences and correspondence with Couhig team; other assistance and preparation for hearing	3.10	\$425.00	\$1,317.50
03/11/2018	JL	Prepare for fairness hearing. Compile declarations and meet to prepare named representatives.	11.20	\$550.00	\$6,160.00
03/11/2018	RC	Prepare for Fairness Hearing.	6.00	\$775.00	\$4,650.00
03/11/2018	DM	Prepare for hearing; review all briefing re class certification; re-review Judge Lynn prior decisions re class cert; draft correspondence/ email; review multiple re requested opt outs; review multiple correspondence/ email exchanges re opt ins; assess same; draft memorandum; review multiple declarations; draft supplemental Massey Declaration; meet and confer class reps; meet and confer MI counsel; meet and confer CP team; prepare for hearing;	10.00	\$725.00	\$7,250.00
03/12/2018	JP	Legal Research regarding [REDACTED]	2.30	\$425.00	\$977.50
03/12/2018	JL	Prepare for and attend Fairness Hearing. Update class members.	7.30	\$550.00	\$4,015.00
03/12/2018	RC	Attend and argue at Fairness Hearing. Confer with clients.	7.50	\$775.00	\$5,812.50
03/12/2018	DM	review correspondence/ email exchanges re final judgement proposal; meet and confer Kirk Morgan and Dr. Sandy; meet and confer with class reps and CP team; prepare for and attend court; confer CP team, Kirk Morgan and class reps post hearing; meet and confer objectors; review correspondence/ email from Latterman, Bhagia and other; return travel.	9.10	\$725.00	\$6,597.50
03/13/2018	JP	Legal Research [REDACTED]	4.90	\$425.00	\$2,082.50
03/13/2018	DM	Confer Stammel, Leu and Perry; confer CP team re case law on settlement classes analogous to this matter; and notice research; review correspondence/ email from Settlement Administrator; draft responsive correspondence/ email; assess final judgment proposal; review correspondence/ email from Court filing system; review fee request by De Leon; draft memorandum; review correspondence/ email from Court filing system; review correction of docket entry; review research and cases; review correspondence/ email from Settlement Administrator re late opt out from Hermosa;	3.40	\$725.00	\$2,465.00
03/13/2018	JL	Work on research regarding [REDACTED]. Confer with various class members/representatives.	1.50	\$550.00	\$825.00
03/14/2018	JP	Review additional case law on [REDACTED] and correspondence and conferences with Mr. Lemann regarding same	3.90	\$425.00	\$1,657.50

03/15/2018	JP	Correspondence with Mr. Lemann and counsel for Ascentium regarding case law [REDACTED]	1.10	\$425.00	\$467.50
03/15/2018	DM	Review correspondence/ email from Sandoval; draft responsive correspondence/ email; review materials re earlier settlement discussions; assess and commence draft of inserts for Supplemental Massey Declaration; review materials re case law permitting class settlement under similar circumstances; review memorandum; review correspondence/ email re status of Subclass 4 settlement. review efile notices re De Leon fee app;	1.50	\$725.00	\$1,087.50
03/15/2018	JL	Conference call with Ascentium counsel. Work on supplemental briefing and research. Confer with class members.	2.20	\$550.00	\$1,210.00
03/15/2018	RC	Conference call with Ascentium. Work on post-hearing briefing.	1.00	\$775.00	\$775.00
03/16/2018	DM	Review correspondence/ email re De Leon claim, and draft responsive correspondence/email; confer CP re briefing.	0.30	\$725.00	\$217.50
03/18/2018	DM	Review settlement materials; communications and notes; assess same; draft content for supplemental declaration; confer CP; draft memorandum.	2.80	\$725.00	\$2,030.00
03/19/2018	JL	Work on supplemental briefing. Work on bar order.	1.60	\$550.00	\$880.00
03/19/2018	JP	Correspondence with Mr. Lemann and review new filings	0.20	\$425.00	\$85.00
03/20/2018	JP	Review Ascentium Supplemental Memorandum in Support of Settlement	0.40	\$425.00	\$170.00
03/20/2018	JL	Work on supplemental briefing. Confer with Jordan Leu.	2.20	\$550.00	\$1,210.00
03/21/2018	JL	Review supplemental submission from AC. Finalize and file Class Counsel's supplemental submissions.	4.50	\$550.00	\$2,475.00
<b>Services Subtotal</b>					<b>\$73,530.00</b>

### Expenses

Date	Description	Quantity	Rate	Total
03/11/2018	Hotel Computing Services	1.00	\$50.72	\$50.72
03/11/2018	Couhig Uber	1.00	\$40.00	\$40.00
03/12/2018	E110 Out-of-town travel: KHENTE DFW TAXI SERVICE	1.00	\$65.55	\$65.55
03/13/2018	E111 Meals: Au Bon	1.00	\$12.64	\$12.64
03/13/2018	E102 Outside printing: Uniguest Inc.	1.00	\$44.33	\$44.33
03/13/2018	E110 Out-of-town travel: American Airlines	1.00	\$75.00	\$75.00

03/14/2018	E110 Out-of-town travel: NEWSOUTH Parking Systems	1.00	\$37.00	\$37.00
03/14/2018	E110 Out-of-town travel: Uniguest Inc.	1.00	\$25.00	\$25.00
<b>Expenses Subtotal</b>				<b>\$350.24</b>

<b>Time Keeper</b>	<b>Quantity</b>	<b>Rate</b>	<b>Total</b>
Rob Couhig	14.5	\$775.00	\$11,237.50
Cory Grant	5.0	\$390.00	\$1,950.00
Jonathan Lemann	38.6	\$550.00	\$21,230.00
Don Massey	35.6	\$725.00	\$25,810.00
Jeff Pastorek	31.3	\$425.00	\$13,302.50
<b>Subtotal</b>			<b>\$73,880.24</b>
<b>Total</b>			<b>\$73,880.24</b>

## Detailed Statement of Account

### Other Invoices

<b>Invoice Number</b>	<b>Due On</b>	<b>Amount Due</b>	<b>Payments Received</b>	<b>Balance Due</b>
2344	04/08/2018	\$1,812,728.50	\$0.00	\$1,812,728.50

### Current Invoice

<b>Invoice Number</b>	<b>Due On</b>	<b>Amount Due</b>	<b>Payments Received</b>	<b>Balance Due</b>
2353	04/20/2018	\$73,880.24	\$0.00	\$73,880.24
			<b>Outstanding Balance</b>	<b>\$1,886,608.74</b>
			<b>Amount in Trust</b>	<b>\$0.00</b>
			<b>Total Amount Outstanding</b>	<b>\$1,886,608.74</b>

Please make all amounts payable to: COUHIG PARTNERS, LLC Tax ID #20-3926170

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## Exhibit 5

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>DR. DEREK MELBY, and DANILO</b>	§
<b>POLICARPIO as individuals and on</b>	§
<b>behalf of all others similarly situated</b>	§
<b>Plaintiffs,</b>	§
<b>v.</b>	§
<b>AMERICA'S MHT, INC., SCOTT</b>	§
<b>POSTLE, ACENTIUM CAPITAL, LLC,</b>	§
<b>and CLIFF MCKENZIE</b>	§
<b>Defendants.</b>	§

**Case No. 3:17-cv-155**

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**DECLARATION OF PAUL CROUCH IN SUPPORT OF APPLICATION FOR  
AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES**

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I, Paul Crouch, declare as follows:

1. I am Managing Member of the firm of The Crouch Firm, PLLC. I submit this declaration in support of my firm's application for an award of attorneys' fees in connection with the services we provided in this case.

2. The Crouch Firm, PLLC is counsel for Plaintiffs and Class Representatives, Dr. Derek Melby, Dr. Danilo Policarpio, Dr. David Guillot and Dr. Jaideep Patel.

3. As Managing Member of The Crouch Firm, PLLC the time I have devoted to this matter is attached hereto as Exhibit A.

4. The total number of hours spent on this litigation by my firm is 59.4 hours, which equals \$41,580 based my hourly rates and the lodestar. A breakdown of the lodestar is as follows:

Inception through February 28, 2018

ATTORNEY	HOURS	RATE	LODESTAR
Paul Crouch	59.4	\$700	\$41,580

5. The services performed by my firm on behalf of and for the benefit of our clients and the Class are the following: We conducted a thorough investigation of the facts and related allegations in the Complaint. We conducted interviews. We researched parties and witnesses. We conferenced with co-counsel. We reviewed documents. We responded to class member inquiries. We reviewed and participated in Complaint and Amended Complaint preparation as well as other pleadings and motions and discussed the negotiation of the Partial Class Settlement.

6. I have been an attorney practicing in Dallas/Fort Worth for more than 30 years and a Managing Member of my firm since it opened in 2013.

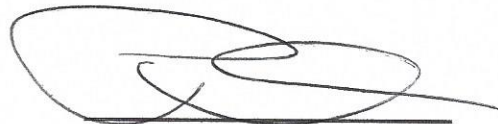
7. I have reviewed all declarations and exhibits submitted along with this Motion for an Approval of Attorney Fee Award.

8. The rates reflected in the declarations and exhibits are reasonable and within the market range for comparably qualified attorneys practicing in Dallas/Fort Worth in a complex case like this one.

9. Since settlement was reached in September of 2017, my involvement in the subject case has curtailed and, although I have incurred more hours, my record keeping has not been precise. Accordingly, in the interest of being conservative in this regard, I am not including further hours in my Declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Date: March 3, 2018

A handwritten signature in black ink, appearing to read 'Paul Crouch', written over a horizontal line.

Paul Crouch



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## Exhibit PC-1

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Crouch Time Sheet MHT et al  
January

Date/Time

01/11/17: confer w/LA counsel/review C/A, assess jurisdictional options/co-counsel discussions:

Time 0.5

01/12/17: multiple pc w/co-counsel/review case and C/A

Time 1.1

01/15/17: pc w/LA counsel/doc review/discuss complaint/rico strategies/client universe/doc review/draft petition review/named plaintiff discussion/filing timing/co-counsel pc, doc review, email, conflict checks/pro hac/filing timing confer cc timing

Time 1.2

01/17/17: cc conference/cert of interest/rule 19 discussion/univest pros and cons/loan/licenses/Ascentium/named plaintiff authorizations review/joiner conference/certification discussion/multiple complaint CIP/final pleading reviews/filed complaint review

Time 1.3

01/27/17: ve letter review/email/defendant representation confirmation/melby/obisesan/Kumar reviews/emails

Time 1.1

01/28/17: ve conference/defendants rep/review

Time 0.9

Total Time 6.1

Crouch Time Sheet MHT et al

February

Date/Time

02/02/17: pc cc re: tro/filing/fact wit conference/timing discussion/material review/multiple conferences

Time 1.3

02/03/17: conferences re mht calls/employees/contractors/tro/injunction/declaration discussions/ve defendants review and discussions/emails/analysis tro issues/pc w/cc

Time 0.9

02/05/17: pc w/cc melby/defendant extension conference re relate to tro viability

Time 1.1

02/09/17: discussions re draft memo tro/doc review/draft correspondence review/cc confer

Time 1.2

02/10/17: draft discussions tro/doc reviews/modifications/pc confer w/cc/declarations/timing/Watson/Cervantes/Murdoch declarations

Time 1.4

02/13/17: extensive document reviews/Ellwood/Kumar/Melby/class member conference/past employee stmts/ext confer re strategy moving fwd

Time 1.1

02/16/17: c albert discussion conference email review re tro/ve discussion conference email review re tro/ve and multiple def email exchanges/responses/consent motion discussions/emails demands/explanations/requirements/putative class discussion/explanation/agreements

Time 1.8

02/17/17: correspondence review/cc confer/ review draft memo/court order review

Time 0.6

Total Time 9.4

Crouch Time Sheet MHT et al

March

Date/Time

03/01/17: review multiple correspondence/demands/emails/confer re cc conference/coordinate calendars

Time 0.7

03/06/17: tro conference/final draft review/procedural precedent evidence discussion/exhibit edit/expedited discovery conference/discovery requests review/edits/modifications/email reviews/filing confirmation document reviews/review pleadings and supporting docs

Time: 1.4

03/09/17: rico complaint draft review/discussions/email document reviews/rule 12b6 discussions/strategy/conference coordination

Time 0.9

03/10/17: rico class complaint revisions and suggestions/redlines

Time 0.6

03/15/17: service waiver/acceptance discussions/email review/conferences w/cc

Time 0.8

03/21/17: McCurrin email review/disc w/cc/response/correspondence reviews

Time 0.8

03/27/17: cc agreements circulated/emails/discussion

Time 0.7

03/28/17: pc w/dr asadi/multiple emails w/cc

Time 0.8

03/30/17: ascentium demands/discussions/email reviews def c transmissions/discussions/confer w/cc re values

Time 0.7

Total Time 07.4

Crouch Time Sheet MHT et al

April

Date/Time

04/03/17: review correspondence and materials from dr/coordinate strategy among multiple defendants

Time 0.6

04/07/17: review Notice of Non-Opposition/ Notices of Related Case for each action w/cc/confer strategy among cc re multiple defendants

Time 1.1

04/10/17: review multiple call/emails/correspondence/PA doc email re univest/related counsel/response/email/cc conferences

Time 1.3

04/11/17: multiple conferences/emails/pc w/cc re MHT agreements among counsel

Time 1.4

04/12/17: cc discussions/reviews/emails w/cc re MHT agreements among counsel

Time 0.7

04/13/17: review correspondence/review article/confer draft cc/ confer cc

Time 1.0

04/19/17: cc discussions/reviews/emails w/cc re MHT agreements among counsel/ assess waiver issues

Time 1.6

04/22/17: coordinate motion for extension/review related issues/agreements/ draft discussions/assess master complaint issues

Time 1.2

04/24/17: discuss/assess/confer w/cc re meeting prep

Time 0.8

04/25/17: cc discussions/reviews/emails w/cc re MHT agreements among counsel

Time 0.3

04/26/17: cc discussions/reviews/emails w/cc re MHT agreements among counsel

Time 0.8

Total Time 10.8

Crouch Time Sheet MHT et al

May

Date/Time

05/02/17: confer w/cc/review correspondence/review master complaint/review responsive correspondence

Time 0.3

05/08/17: review/discuss strategize ongoing br efforts/practices/confer cc re totality of mht litigation/consolidation/review emails

Time 0.5

05/15/17: review correspondence claims of respective plaintiffs/confer w/cc re status of settlement negotiations

Time 0.6

05/16/17: review br petition filed in Sherman/research/discussions w/cc/emails/strategy/responsive correspondence/def discussions review

Time 1.1

05/17/17: cc discussions/reviews/emails w/cc re MHT agreements among counsel/settlement parameters/ responses/draft reviews

Time 1.2

05/19/17: emails/calls re ed br filing/review strategy/filings counsel

Time 0.6

05/20/17: discussion transfer and dismiss motions/review multiple emails/correspondence reviews/confer w/cc

Time 0.9

05/23/17: multiple emails w/cc re conference timing and coordination/case reviews/master complaint discussions

Time 1.1

05/24/17: AC settlement discussions addressed/considered in conference review of proposals and counters/discussion of class applications

Time 0.8

Total Time 7.1

Crouch Time Sheet MHT et al

June

Date/Time

06/06/17: pc w/cc re scheduling meetings w/counsel related litigation/discuss positioning prior to meetings/anticipated time frame and locations and sequence

Time 1.1

06/10/17: confer w/cc re B-3 class component/ subclasses/AC structurally/ modified order structure/supplement/in depth communication w/Stammel/review draft and modifications

Time 1.3

06/11/17: confer final draft class counsel communication w/stammel/multiple email reviews/communication w/cc re revisions/draft modifications/final reviews

Time 0.9

06/20/17: br communication w/clients review/confer w/cc/strategy conference/multiple client concerns/Qs/discussions re class/date discussion for related plaintiff visits/scheduling/communication w/stammel discussion/meeting of creditors/stammel spreadsheet review and discussion/Qs for AMHT rep discussion/plan/research class settlement issues

Time 1.6

06/23/17: confer at length re stammel settlement discussion/proposal/ approach to the MHT bankruptcy/ AC, Univest and Balboa/ San Antonio counsel/De Leon/mediator discussions/mediation dates/continued class settlement parameters/issues/positioning

Time 0.9

06/25/17: stammel motion review and conference/strategy/correspondence reviews/multiple email reviews/discussions

Time 1.1

06/29/17: review/discussion/confer re draft/modifications client communication re br/ongoing ca/client communication/concerns/stammel communications/response/strategy conference

Time 0.7

06/30/17: conference/email/call scheduling/correspondence reviews

Time 0.3

Total Time 7.9

Crouch Time Sheet MHT et al

July

Date/Time

07/05/17: br reviews/assess settlement parameters/discussion/research/inventory item reviews

Time 0.6

07/06/17: stammel reviews/discussions/conference class/settlement parameters issues discussion  
assessment

Time 0.9

07/09/17: proposal discussion/review/strategy assessment

Time 0.8

07/11/17: ascentium demand assessment/confer/modification/draft discussion/multiple  
email/correspondence review

Time 1.2

07/15/17: br creditor meeting discussion/confer br issues/examine related claims/discuss  
values/complaint reviews and discussions

Time 1.6

Total Time 5.1

Crouch Time Sheet MHT et al

August

Date/Time

08/06/17: conference re Complaint

Time: 1.4

08/18/17: cc re def releases

Time 0.9

Total Time 2.3



Crouch Time Sheet MHT et al  
September

Date/Time

09/05/17: settlement stipulation discussion w/cc

Time 1.5

09/14/17: communication w/cc re order

Time 1.8

Total Time 3.3